

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT
2013 MAR -4 PM 4:50
JUDGE: [illegible]

DEBORAH ROTTENBERG

Plaintiff

vs.

CONVERGENT OUTSOURCING, INC

Defendant

Case Number:

CIVIL COMPLAINT

13 CV 1442

JUDGE: [illegible]

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Deborah Rottenberg, by and through her undersigned counsel,
Bruce K. Warren, Esquire of Warren Law Group, P.C., complaining of Defendant, and
respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Deborah Rottenberg, is an adult natural person and she brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.
3. Venue in this District is proper in that Plaintiff resides in this district.

III. PARTIES

4. Plaintiff, Deborah Rottenberg, (hereafter, Plaintiff) is an adult natural person residing in Monroe, NY. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, Convergent Outsourcing, Inc. (hereafter, Defendant), at all times relevant hereto, is and was a corporation engaged in the business of collecting consumer debt with a primary address located at 800 SW 39th Street, Renton, WA 98057.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant, is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. On or about October 12, 2012 Plaintiff received a letter from Defendant stating they are collecting on behalf of Verizon Wireless and full payment is due. **See EXHIBIT “A” (notice) attached hereto.**

8. The Plaintiff is said to owe \$276.48 in principal and an additional charge of \$49.76 for collection cost.

9. The Defendant does not have a contract or agreement for any additional cost and therefore aren’t authorized to apply additional charges.

10. On or about November 6, 2012 Plaintiff wrote a letter to the Defendant asking them to validate the alleged consumer debt in question. **See EXHIBIT “B” (notice) attached hereto.**

11. On or about December 27, 2012 Plaintiff received a letter from the Defendant stating the amount that is owed. **See EXHIBIT “C” (notice) attached hereto.**

12. Defendant never changed the total amount to reflect the correct balance owed.

13. The Defendant acted in a false, deceptive, misleading and unfair manner when they engaged in conduct the natural consequences of which is to harass, oppress, or abuse such person in connection with the collection of a debt.

14. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

15. At all times pertinent hereto, Defendant was acting by and through their agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

16. At all times pertinent hereto, the conduct of Defendant, as well as their agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

17. As a result of Defendant's, conduct, Plaintiff has sustained actual damages, including, but not limited to, injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and pecuniary loss and he will continue to suffer same for an indefinite time in the future, all to his great detriment and loss.

COUNT I – FDCPA

18. The above paragraphs are hereby incorporated herein by reference.

19. At all times relevant hereto, Defendant was attempting to collect an alleged consumer debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

20. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

- §§ 1692d: Any conduct the natural consequence of which is to harass, oppress, or abuse any person
- §§ 1692e: Any other false, deceptive, or misleading representation or means in connection with the debt collection
- §§ 1692e(10): Any false representation or deceptive means to collect a debt or obtain information about a consumer
- §§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt
- §§ 1692g(b): Collector must cease collection efforts until debt is validated

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant, United Recovery Systems, LP for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney’s fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the interests of justice require.


V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

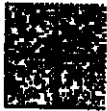
WARREN LAW GROUP, PC

Date: February 7, 2013


BY: /s/ Bruce K. Warren
Bruce K. Warren, Esquire

Warren Law Group, PC
58 Euclid Street
Woodbury, NJ 08096
P: (856)848-4572
F: (856)324-9081
Attorney for Plaintiff

EXHIBIT "A"



ATERS001
PO Box 1022
Wixom MI 48393-1022
CHANGE SERVICE REQUESTED



Convergent Outsourcing, Inc.
800 SW 39th St./PO Box 9004
Renton, WA 98057
Mon-Fri 7AM-8PM & Sat 8-12PM PST

Date: 10/12/2012
Creditor: Verizon Wireless (New York City)
Client Account #: [REDACTED]
Convergent Account #: [REDACTED]

B-27640586-B1 891741199



Deborah E Rottenberg
[REDACTED]

Principal: \$ 276.48
Collection Cost: \$ 49.76
Total Balance: \$ 326.24

Your Response is Requested

This notice is being sent to you by a collection agency. The records of Verizon Wireless (New York City) show that your balance of \$ 326.24 is due in full. Please contact this office so we can help you resolve your account.

If you have any questions about this account please contact our office toll free at 800-847-2461 Ext 2618.

Sincerely,

Convergent Outsourcing, Inc.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

NOTICE: PLEASE SEE REVERSE SIDE FOR IMPORTANT CONSUMER INFORMATION.

3 CONVENIENT WAYS TO PAY:



Pay Online: Email our office or pay your bill online with your credit/debit card or checking account at www.payconvergent.com. Your temporary identification number is: 2.27640586.518.



Pay by Phone: Please call Convergent Outsourcing, Inc. at 800-847-2461 Ext 2618. We offer check by phone, Western Union, and credit/debit card.



Pay by Mail: Send Payments to Convergent Outsourcing, Inc., PO Box 9004, Renton WA 98057-9004.

PLEASE DETACH THE BOTTOM PORTION WITH YOUR PAYMENT. BEFORE MAILING, PLEASE ENSURE RETURN ADDRESS ON
REVERSE SIDE APPEARS CORRECTLY THROUGH THE WINDOW OF THE REPLY ENVELOPE.

738ATERS001B1

Date: 10/12/2012
Creditor: Verizon Wireless (New York City)

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

New York City Department of Consumer Affairs License Number 1099671 in Washington State, 1249050 in Texas and 1099672 in Arizona.

EXHIBIT “B”

November 6, 2012

From:

Deborah E Rottenberg
[REDACTED]
[REDACTED]

To:

CONVERGENT OUTSOURCING, INC.
800 SW 39th Street
Renton, WA 98057

RE: Account # [REDACTED]

Dear Management:

This letter is lawful notification to CONVERGENT OUTSOURCING, INC. as the first step of due process of law pursuant to the Bill of Rights and the Federal Constitution, in particular Articles I, IV, V, VII, and IX of the Amendments,. Please take Notice that Deborah E Rottenberg **CONDITIONALLY ACCEPTS YOUR CLAIM UPON BONA FIDE PROOF** that your claim is lawful and valid.

Please take lawful notice that in order to effect this **BONA FIDE PROOF**, CONVERGENT OUTSOURCING, INC. via a legally authorized representative is lawfully required and hereby demanded to respond point by point in Truth, Fact, and Evidence to each and every item set forth in this correspondence before he or his Authorized Representative can make an offer to settle CONVERGENT OUTSOURCING, INC.'s alleged claim in this matter.

Please provide the following:

1. A copy of the contract that binds myself, a Natural Person, and CONVERGENT OUTSOURCING, INC., a creature of the State who is defined as an **ARTIFICIAL PERSON**.
2. **PROOF OF CLAIM** via certified, notarized, specific, and relevant documents that CONVERGENT OUTSOURCING, INC.:
 - a. Has any contract or agreement which lawfully compels this Natural Person to accept and/or respond to any communications from CONVERGENT OUTSOURCING, INC.
 - b. Is a lawful and valid party in interest in this matter.
 - c. Is not an unrelated third party.
 - d. Is not an unrelated third party debt collector.
 - e. Did not purchase this alleged debt for an agreed upon cost from an alleged other COMPANY, CORPORATION, or Party.
 - f. Is not acting on its own behalf and/or interests in this instant matter.
 - g. When and how did you get my permission to obtain my consumer credit report.

Please have your legally authorized representative respond via signed affidavit, under penalty of perjury, and enclose copies of all relevant documents that demonstrate BONA FIDE PROOF OF YOUR CLAIM within 10 days of receipt of this letter, via certified mail.

This is not a request for "verification" or proof of my mailing address, but a request for VALIDATION made pursuant to the above named Title and Section.

If your offices fail to respond to this validation request within 10 days from the date of your receipt, all references to this account must be deleted and completely removed from all of my 3 consumer credit report files Experian, Trans Union, Equifax, and a copy of such deletion request shall be sent to me immediately.

Your failure to provide a lawfully valid response within 10 days, as stipulated, is CONVERGENT OUTSOURCING, INC. and their representatives admission to the fact that you have no BONA FIDE PROOF OF CLAIM in this instant matter which is your lawful, legal and binding agreement with and admission to this fact as true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you.
Your silence is your acquiescence.

Dated: November 6, 2012

All Rights Reserved,
Respectfully submitted,

By: _____
Deborah E Rottenberg,
Authorized Representative

Sent by Certified US Mail # 7012 1010 0003 5808 9793

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STATUS OF YOUR ITEM

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November 13, 2012, 8:09 am

LOCATION

RENTON, WA 98057

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What's your label (or receipt) number?

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EXHIBIT “C”



CONVERGENT OUTSOURCING, INC.

800 SW 39TH STREET • RENTON, WA 98057-4975

TEL: 206.322.4500 • FAX: 206.322.4838 • www.ConvergentUSA.com

Office Hours

Mon - Thur 8:00AM to 5:00PM

Fri 8:00AM to 1:00PM

12/27/12

27640586-52

DEBORAH E ROTTENBERG

[REDACTED]
[REDACTED]
[REDACTED]

AMT: \$ 276.48
INT: \$ 0.00
MISC: \$ 49.76
TOTAL: \$ 326.24

Interest Rate: 0.00%

RE: VERIZON WIRELESS (NEW YORK CITY)

THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Thank you,

KEVIN GORDON
800-847-2461 EXT 2618
Debt Collector

DESK 170

NORTH CAROLINA #3690

(LTR 52)